

City Council Introduction: **Monday**, August 12, 2002
Public Hearing: **Monday**, August 19, 2002, at **1:30 p.m.**

Bill No. 02-128

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3368**, from R-3 Residential to O-3 Office Park, requested by J. Michael Rierden on behalf of Pioneer Woods, L.L.C., on property generally located at the northeast corner of So. 70th Street and Pioneers Blvd.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Use Permit No. 144, Pioneer Woods 1st Addition (02R-170).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/26/02 and 07/10/02
Administrative Action: 07/10/02

RECOMMENDATION: Approval (6-1: Taylor, Larson, Bills-Strand, Newman, Steward and Schwinn voting 'yes'; Carlson voting 'no'; Duvall and Krieser absent).

FINDINGS OF FACT:

1. This change of zone and the associated Pioneer Woods 1st Addition Use Permit No. 144 were heard at the same time before the Planning Commission.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.5-6, concluding that this change of zone is in conformance with the 2025 Comprehensive Plan.
3. The applicant's testimony is found on p.7-8; 9-10; and 12.
4. There was no testimony in opposition.
5. On July 10, 2002, the Planning Commission agreed with the staff recommendation and voted 6-1 to recommend approval (Carlson dissenting). See Minutes, p.12.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 6, 2002

REVIEWED BY: _____

DATE: August 6, 2002

REFERENCE NUMBER: FS\CC\2002\CZ.3368

P.A.S.: **Change of Zone #3368** **DATE:** June 12, 2002
 Use Permit #144 - Pioneer Woods 1st Addition
****As Revised by Planning Commission: 7/10/02****

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| <u>WAIVER REQUESTS:</u> | <p>Front yard setback along Pioneer Woods Drive</p> <p>To allow signs in the front yard along Pioneers Blvd.</p> <p>To allow 0' setbacks on lots within the Outlot</p> <p>Modification of subdivision requirements to allow final plats to be based on the use permit.</p> |
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CONCLUSION: The Change of Zone request is in conformance with the 2025 Comprehensive Plan.

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| <p>RECOMMENDATION:</p> <p>Change of Zone: <u>Approval</u></p> <p>Use Permit: Conditional Approval, including requested waivers</p> |
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APPLICANT: Pioneer Woods, L.L.C.
645 "M" Street, Suite #200
Lincoln, NE 68508

OWNER: same

CONTACT: J. Michael Rierden
645 "M" Street, Suite #200
Lincoln, NE 68508
(402) 476-2413

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North: R-3 Antelope Creek and the Dog Run
South: R-5 Lenox Village apartments south of Pioneers Blvd.
East: R-3 Antelope Creek and large acreage lot
West: B-2 Pioneer Woods commercial development

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan classifies this area as commercial. The corner of S. 70th Street & Pioneers Blvd. is designated as a Neighborhood Commerce Center, which typically range in size from 50,000 to 300,000 square feet in size. With the proposed office uses, this neighborhood center on the NE corner will have approximately 247,000 square feet of commercial floor area.

From the 2025 Comprehensive Plan:

General Principles for All Commercial & Industrial Uses

Commercial and industrial districts in Lancaster County shall be...

- outside of... floodplain areas
- accessible by various modes of transportation (p F 40)

Guiding Principles for Commerce Centers

Commerce Centers shall be designed and constructed to meet the intent of the environmental resources section of this plan. These centers shall in themselves include green space and enhance green space separation, where possible, among communities and mixed use areas.

Strip commercial development is discouraged. Commerce Centers should not develop in a linear strip along a roadway nor be completely auto oriented.

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points.

Commerce Centers should have convenient access to the major roadway system and be supported by roads with adequate capacity.

Physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect Commerce Centers with adjacent development, although undesirable traffic impacts on adjacent residential areas should be avoided or minimized. (p F 44)

Pedestrians -

The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities. (p F 97)

Pedestrians should be able to walk in a direct path to destinations like transit stops, schools, parks, and commercial and mixed-use activity centers. (p F 98)

Activity Corridors and Centers - Directness and safety for pedestrians going to, from, and within these corridors and centers should be stressed. (p F 98)

**Bicycles and -
Trails**

Existing Areas - Extend the bicycle and trails system into the new neighborhoods as the city grows. Connections should be made to schools, parks, and other activity areas. (p F 102)

Developing Areas - Encourage minimum bicycle and trails standards for private developments to provide bicycle and trails facilities connecting key destinations such as schools, parks, and activity centers. (p F 103)

Consider the location and alignment of trails in reviewing development applications. Request that the platform for trails be graded in conjunction with the associated development. (p F 103)

HISTORY:

On **April 9, 2001**, City Council approved Use Permit #130, which permitted 142,000 square feet of commercial/restaurant/retail space on the northeast corner of S. 70th & Pioneers Boulevard.

On **October 18, 2000**, the Planning Commission recommended approval to Change of Zone #3263 (to B-2), Use Permit #130, and Pioneer Woods Preliminary Plat #00016. Following the Planning Commission's action, the Public Works & Utilities Department discovered that the proposed access to S. 70th Street was at too steep of a grade along 70th Street and requested the intersection be moved north to a flatter grade.

Portions of the property were annexed into the City in **1977, 1978 and 1987**.

In the **1979** Zoning Update, the corner of 70th and Pioneers was changed from G Local Business to B-1 Local Business, and the remainder of the property was changed from A-1 Single Family Dwelling to R-3 Residential.

On **May 20, 1968**, City Council postponed Change of Zone 884 indefinitely, to change the zoning on the four corners of 70th and Pioneers from G Local Business to A-1 Single Family Dwelling.

UTILITIES: Available.

TOPOGRAPHY: The site slopes from Pioneer Woods Drive down to Antelope Creek.

TRAFFIC ANALYSIS: S. 70th Street and Pioneers Boulevard are both classified as minor arterial streets.

PUBLIC SERVICE: City of Lincoln Fire and Police

ENVIRONMENTAL CONCERNS: Protection of the wetlands and flood plain along Antelope Creek. Water quality of Holmes Lake. Light pollution from parking lot lights - this site is near Hyde Observatory.

ANALYSIS:

1. The request to change the zoning from R-3 to O-3 is consistent with the 2025 Comprehensive Plan, which identifies this area as Commercial, if the proposed development plan is redesigned to meet the items listed under the Comprehensive Plan Specifications of this report.
2. The Change of Zone and Use Permit are entirely outside of the 100 year flood plain and the Holmes Lake flood storage easement along Antelope Creek. This preserves flood storage and increases the green space separation between this Commerce Center and the residential north and east of Antelope Creek.
3. The 105,000 square feet of office floor area were originally proposed with the Pioneer Woods Use Permit but were withdrawn from the application. This floor area was included in the traffic study accompanying Pioneer Woods. The surrounding street system has the capacity to carry the traffic generated by this development.
4. The development proposes more landscaping than is required by design standards.
5. This Use Permit is being used as a substitute for a Preliminary Plat. As such, it should generally conform to the requirements of the Subdivision Ordinance. §26.23.050 of the Subdivision Ordinance requires that the location and arrangement of streets be such as to provide reasonable access to adjoining property and facilitate the platting of adjoining property. By that standard, a road connection would be required east across Antelope Creek. §26.23.125 further requires a pedestrian way where block length exceeds 1,000 feet and where needed for pedestrian traffic. The block length here exceeds 1,000 feet.
6. The 2025 Comprehensive Plan states, “physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect Commerce Centers with adjacent development.” It also states that “The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities.”
7. Pedestrian access to this Neighborhood Center from the adjacent neighborhoods is lacking, which will encourage more vehicular trips from the residential neighborhoods to the north and east. A pedestrian bridge across Antelope Creek will provide the required pedestrian way, would directly serve this Neighborhood Center, would integrate the shopping and office center with adjacent activities, and will reduce traffic impacts on S. 70th Street and Pioneers Boulevard. The crossing could potentially be a low water crossing, which would not be required to span the floodway. The connection should be constructed at the same time as the future bike

trail on the east side of the creek. A sidewalk running from the north of the site to the parking area between Lots 6 and 7 could cut across the hill and still have a relatively flat slope.

8. Per the 2025 Comprehensive Plan, commercial centers “should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points.” Pedestrian access must also be provided from Pioneer Woods Drive to the buildings. Show interior sidewalks connecting the Pioneer Woods Drive sidewalks to the buildings.
9. Setbacks along public streets are measured from the edge of the right-of-way. Along private roadways, the analogous place to measure from is the edge of the public access easement. The front yard issue is thus from what is the front yard measured instead of the measurement itself - the applicant requests that it be measured from the curb. Olsson Associates provided a draft layout which featured setbacks ranging from 20 feet to 55 feet along Pioneer Woods Drive. The parking areas were no closer than 17 feet from the public access easement. The front yard setback waiver is acceptable along Pioneer Woods Drive, provided that the building on Lot 7 is oriented towards the street and the parking areas are shown at least 17 feet from the public access easement. The main entrance shall be on Pioneer Woods Drive, and it shall be connected to the sidewalk and the parking areas.
10. The request to allow signs in the front yard setback along Pioneers Blvd. is not required for signs which meet the requirements of §27.69.044(b)(2). The notes should be amended to specify the type and number of signs which are permitted, and some signs should be shown on the site plan as follows:

§27.69.044(b)(2) - Permits ground signs identifying the name of the office park and tenants. These signs may not exceed 32 square feet in area or 8 feet in height. These should be shown on Pioneers Blvd. and S. 70th Street where they intersect Pioneer Woods Drive. They should be no closer to the streets than the center identification signs in the B-2 area so that signage along the arterials is consistent.

§27.69.044(b)(3) - Permits one internal direction sign per entrance not exceeding 50 square feet in size and eight feet in height. Show a maximum of three along Pioneer Woods Drive on the site plan. These signs must be outside the front yard setback.

§27.69.044(b)(4) - Permits one ground sign not exceeding fifteen square feet in area at each building entrance. These need not be shown on the site plan.

Prepared by:

Jason Reynolds
Planner

CHANGE OF ZONE NO. 3368 and USE PERMIT NO. 144

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 26, 2002

Members present: Larson, Taylor, Bills-Strand, Duvall, Newman, Krieser, Carlson and Schwinn; Steward absent.

Staff recommendation: Approval of the change of zone and conditional approval of the use permit.

Jason Reynolds of Planning staff submitted a statement of endorsement from the Pedestrian/Bicycle Advisory Committee for the 6' wide pedestrian connection from the Antelope Creek Trail/Fox Hollow Neighborhood to Pioneer Woods Commercial Development, and that the connection should be on the north end of the site.

Proponents

1. Mike Rierden appeared on behalf of the applicant, who is in general agreement with the staff recommendation and conditions of approval. This request is in conformance with the new Comprehensive Plan. However, one primary concern has to do with the pedestrian connection that is being requested and required under Conditions #1.1.13, #1.1.14 and #3. Rierden pointed to the channel for Antelope Creek and the 100 year floodplain boundary on the map. Conditions #1.1.13 and #1.1.14 require the applicant to show and to design the pedestrian connection. The applicant is in agreement that a connection would be of benefit but it puts this applicant in a predicament. The area where the pedestrian connection is to be shown is basically controlled by the Corps of Engineers. Therefore, at this point in time, the applicant does not believe they can show or design a pedestrian corridor until such time as the Corps of Engineers would approve such a connection (and he believes there is a good likelihood that they will not approve it because it protects the Holmes Lake area). Even if negotiations were started with the Corps of Engineers, Rierden believes that it would take months to get anything out of the Corps as far as permits. It is almost impossible to design and show a connection at this point in time.

Condition #3 asks the applicant to agree to do the connection. Rierden advised that the applicant certainly has no objection to doing the normal type of connection but there is a good probability that it would be some sort of a bridge which would greatly escalate the costs of the connection itself. The cost of a normal connection would be \$17,000 to \$18,000. That would increase to \$50,000 to \$75,000 if a bridge is required. In the spirit of cooperation, the applicant has offered to put up security in the amount of \$17,200, contributing that to the city and letting the city go ahead and deal with the Corps on this matter. The applicant is in favor of this connection but this developer does not have the clout to negotiate with the Corps of Engineers. Rierden thus requested to delete Conditions #1.1.13 and #1.1.14, and amend Condition #3 to allow this applicant to deposit security in the amount of \$17,200 with the city to pay this developer's fair share of the connection.

Schwinn suggested that if we really need a connection on the bike path, maybe it should go down So. 70th and widening the sidewalk might be the best alternative. Rierden confirmed that 70th Street and Pioneers Boulevard were discussed with staff as providing sufficient connection. The new Comprehensive Plan talks in terms of providing this type of connection and this applicant is willing to put up the money to provide for the normal type of connection.

Taylor inquired further about deleting Condition #1.1.13. Rierden further explained that designing and showing the connection may not be possible at this point in time until we know the position of the Corps of Engineers. It will be necessary to find out if the Corps will allow a connection, or where they prefer to have the corridor. It would be an exercise in futility to design and show the corridor without the Corps of Engineers approval. Taylor asked whether the applicant would be agreeable to an amendment that would require the applicant to put forth a design after approval by the Corps of Engineers. Taylor wants some assurance that there would be a bike path there. Rierden indicated that the applicant would agree to show whatever would transpire in the future. The concern is waiting for the Corps to make a decision because that could be months down the road. He assured that the applicant would work with the city to show the path on the plan once it is determined. Rierden's concern is that the applicant does not want to be required to actually agree to building a pedestrian connection at this point in time that will cost hundreds of thousands of dollars. The applicant would do the normal connection and offer to put up the security at this time.

Carlson inquired how Rierden came up with \$17,200. Todd Lorenz of Olsson Associates stated that it is an estimate based on a typical 10' bike path at 400' length for the most efficient route. That gets it to this applicant's property line. It does not get it across the creek, but leads to the creek. It comes down to cost benefit and whether it would be more efficient to go to 70th Street or Pioneers Blvd. The Corps is very protective of that area with the wetlands, Holmes Lake flowage easement, the floodplain and the floodway. For us to make an assumption at this point would not be appropriate.

There was no testimony in opposition.

Staff questions

Carlson asked staff whether the raised bridge is the only option. What is the potential for timeline and costs? Jason Reynolds advised that there are three different options. The most feasible would be a low water crossing, the intention being that it is under water anytime there is a flood event. However, it is something that would have to be discussed with the Corps of Engineers with regard to the Holmes Lake flowage easement. This is less expensive than the other types of bridges. The goal would be to find a place where the channel is straight. There is running water in the channel. It would be outside the confines of the dog run area.

Carlson inquired whether there is any sense of the cost for the low flow versus the bridge. Dennis Bartels of Public Works stated that the surety that is proposed at \$17,200 is basically just for the concrete and does not address the bridge. It will depend on which of the routes is selected. There is a grade difference to make up so the cost estimate will depend on the location. He does not have a good feel for any of the options being discussed as far as cost. The Corps of Engineers would have to approve any of the options. The Corps has been real selective of what they will allow in their flowage easements.

Lynn Johnson, Director of Parks and Recreation, indicated that Parks has done some of these low water crossings; however, he does not know whether Parks has done one with the kind of volume that comes down Antelope Creek. He suggested that staff may need a couple of weeks to work through this and look at the connections. Johnson also suggested that there is a third alternative, i.e. the intent within the next 2-3 years is to extend the Antelope Creek trail along the Creek on the east side. There would be a grade separated crossing and the Antelope Creek trail would extend under Pioneers Boulevard. It would have to be a high water crossing requiring sidewalk connections. It is not a very direct connection. The Parks Department is willing to work to generate some numbers in the next two weeks.

Reynolds clarified that the applicant is proposing to delete Conditions #1.1.13 and #1.1.14 and to provide \$17,200 for surety. It would then be up to the city to deal with the Corps of Engineers to figure out the design and costs. If the staff recommendation is approved as written, the applicant is required to come up with the design for the pedestrian connection to the east side prior to this application being scheduled on the City Council agenda. It would also require Corps approval prior to scheduling on the Council agenda. Reynolds did not know the Corps' timeline. It could range from three weeks to considerably longer.

Reynolds indicated that the staff would advocate a two-week deferral to determine the costs associated, etc.

Response by the Applicant

In the spirit of cooperation, Rierden stated that he would agree to a two-week deferral to work with staff.

Carlson moved to defer two weeks, with continued public hearing and administrative action scheduled for July 10, 2002, seconded by Bills-Strand and carried 8-0: Larson, Taylor, Bills-Strand, Duvall, Newman, Krieser, Carlson and Schwinn voting 'yes'; Steward absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 10, 2002

Members present: Taylor, Bills-Strand, Larson, Newman, Carlson, Steward and Schwinn; Duvall and Krieser absent.

Proponents

1. Michael Rierden appeared on behalf of the applicant and agreed with the staff recommendation and conditions of approval, except for three conditions relating to the proposed pedestrian connection from this development over east to the Fox Hollow area. Rierden requested that Conditions #1.1.13 and #1.1.14 be deleted, and that Condition #3 be amended to allow this applicant to contribute \$20,000 toward the construction of the pedestrian easement.

Rierden explained that Condition #1.1.13 requires that a pedestrian connection be shown on the site plan, and Condition #1.1.14 requires this applicant to design the pedestrian connection. Rierden displayed a map showing that this is a "nasty" area to be trying to do anything. There is the Holmes

Lake flowage easement, floodplain, floodway and wetlands. All of this is the domain of the Corps of Engineers. This applicant does not want to have to deal with the Corps of Engineers as a developer because it takes quite some time to actually come to an agreement with the Corps. If the city wants a pedestrian connection, the city would be better equipped to work with the Corps. At the last public hearing, this applicant offered to make a \$17,200 contribution to the connection. Since then, the applicant has met with the staff and the staff is requesting a contribution in the amount of \$57,200. Rierden believes that to be way in excess of this developer's responsibility. This developer is now offering a contribution of \$20,000. If this pedestrian connection does not happen, the developer agrees that the city can utilize the funds for the proposed bike path on the east side. This would be an outright contribution to the city for the pedestrian connection or for the bike path. Rierden believes this to be a fair resolution of this problem. He suggests that there is a real question as to whether or not there will ever be a pedestrian connection.

Carlson inquired whether the applicant would contribute \$57,200 if they got it all back if the connection is not built. Rierden's response was "no". Rierden did not know the total investment in this development at this point in time but he would guess it to be more than a million dollars.

Schwinn inquired as to who owns the Holmes Lake flowage easement. Rierden advised that it is a private property easement to the Corps of Engineers. The dog run is owned by the city.

Rierden acknowledged the benefit of the pedestrian connection and it would be an amenity to this development, but the contribution of \$20,000 is certainly fair.

There was no testimony in opposition.

Steward was interested in hearing the rationale for this spread of opinion about appropriate costs. Jason Reynolds of Planning staff suggested that this development is going to generate a certain level of pedestrian interest. The new Comprehensive Plan suggests that shopping centers have pedestrian connections to the neighborhood. This development is generating that pedestrian traffic; therefore, the staff is asking for the amenities the same as for sidewalks along the private roadways.

Bills-Strand noted, however, that generally we are not trying to go through a floodplain and a floodway to make the connections.

Reynolds stated that the cost breakdown is about \$7,200 for the sidewalk and then \$50,000 for research, mitigation and construction of a low water crossing.

Bills-Strand wonders what the odds are in getting it approved by the Corps. Reynolds believes it is a decision of the Planning Commission and City Council. The Comprehensive Plan has indicated that such a connection should exist.

Schwinn pointed out that these connections could be on the north side of 70th and on the east side of Pioneers Blvd. Reynolds believes there is also a question of the level of service of the sidewalk system.

As far as the mechanism for the contribution, Carlson inquired as to staff's response to adjusting Conditions #1.1.13 and #1.1.14 so that what they are providing is a financial contribution and not doing the design. Reynolds explained that with the grading and drainage, it should be relatively trivial to provide a trail platform within the site. As far as the design and construction of the low water crossing, that would be something covered by the contribution and the city would be working with the Corps on the design. It is necessary to have the grading plan provide a platform for the sidewalk to get up to the parking level (Condition #1.1.13). Reynolds believes the Commission could delete Condition #1.1.14 and adjust Condition #3, if desired. But Condition #1.1.13 should not be eliminated.

Carlson asked staff to respond to the applicant's proposed amendment to Condition #3. Reynolds suggested that it would be acceptable if "total cost" is substituted for "\$20,000.00". If the Commission is looking to have a higher dollar amount, but refund the difference, then the language should describe that condition.

Bills-Strand wondered whether there should be some kind of a deadline. Reynolds suggested that typically, with the sureties the city accepts, there is a certain deadline within which the private party is to construct. If not done, the city can call the surety and construct it.

Schwinn inquired about the property on the other side. He believes there were some preliminary discussions about what Don Hamann (the owner) wanted to do with that property. Ray Hill of Planning staff recalled the discussions—Hamann's property is being developed today. The other area owned by Dr. Fricke has already been developed into homes and duplexes. There are no specific plans for the area in this general location, but there have been discussions about commercial and office on the south side of Antelope Creek. Bills-Strand wondered whether there is any obligation for the other properties to come in and meet half way. Hill suggested that the Parks Department might be able to speak more about the bike path that is being built on the north and east side of Antelope Creek.

Schwinn inquired whether the area we refer to as Fox Hollow Park directly to the south of the bike path is in the floodplain. Hill referred to the map on page 110 of the agenda, which describes the Holmes Lake flowage easement, the 100 year floodplain by elevation and the 100 year floodplain by the mapping. There is quite a bit on the east side in the flowage easement but outside of the actual floodplain. The easement is based upon the elevation of the spillway of the Holmes Lake dam.

Schwinn wondered whether this is part of the Holmes Lake redevelopment project. Terry Genrich of the Parks Department indicated that it is intended to be part of that project. Funding will be an issue as to what we do in that area. There are discussions about acquiring an easement on the east side of Antelope Creek for the trail in order to connect to the trail that exists to the dog run now, continuing under Pioneers Blvd. and all the way down to Hwy 2. That connection is essential for the trail system. We will be putting an underpass at Pioneers as well. The Parks Department has worked through the floodplain issues before doing the trails.

Bills-Strand still wondered whether the developer on the other side has any obligation to do half of the connection. Hill's response was "no". The connection is to the commercial area.

Larson sought confirmation that the easement on the trail could be in the floodplain. Schwinn believes that it can. Larson suggested that the sidewalk should be able to be in the floodplain as well. Schwinn stated that that also requires a Corps of Engineers permit.

Response by the Applicant

Rierden believes there are alternatives. The bike path has not been designed yet. There could be a connection to Pioneers Blvd. as a tributary off the main bike path. There are less costly solutions than what the city is proposing. This is a unique area and is problematic. We can't even touch the ground to do any grading until we get permission from the Corps of Engineers. Some value should be placed upon this applicant giving up an easement area for this pedestrian wherever this pedestrian connection might be located.

Steward sought clarification from the applicant that Condition #1.1.13 forces this applicant into an engagement with the Corps of Engineers. Rierden believes that Condition #1.1.14 does more so. The applicant could easily show a bike path or pedestrian connection on the site plan as required by Condition #1.1.13, but he believes that is really an exercise in futility until the Corps of Engineers gets involved. Hill explained that the conditions proposed by staff ask the applicant to show a design on the site plan. If that design gets changed, we can do an administrative amendment to make a revision to the design. We are wanting the Commission to require the design so that it is part of this project. We don't want them designing, building and grading in such a way that would prevent the path we are talking about. Rierden stated that he does not want to argue about Condition #1.1.13. They can show the connection on the site plan with the understanding that it could change.

Public hearing was closed.

CHANGE OF ZONE NO. 3368

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

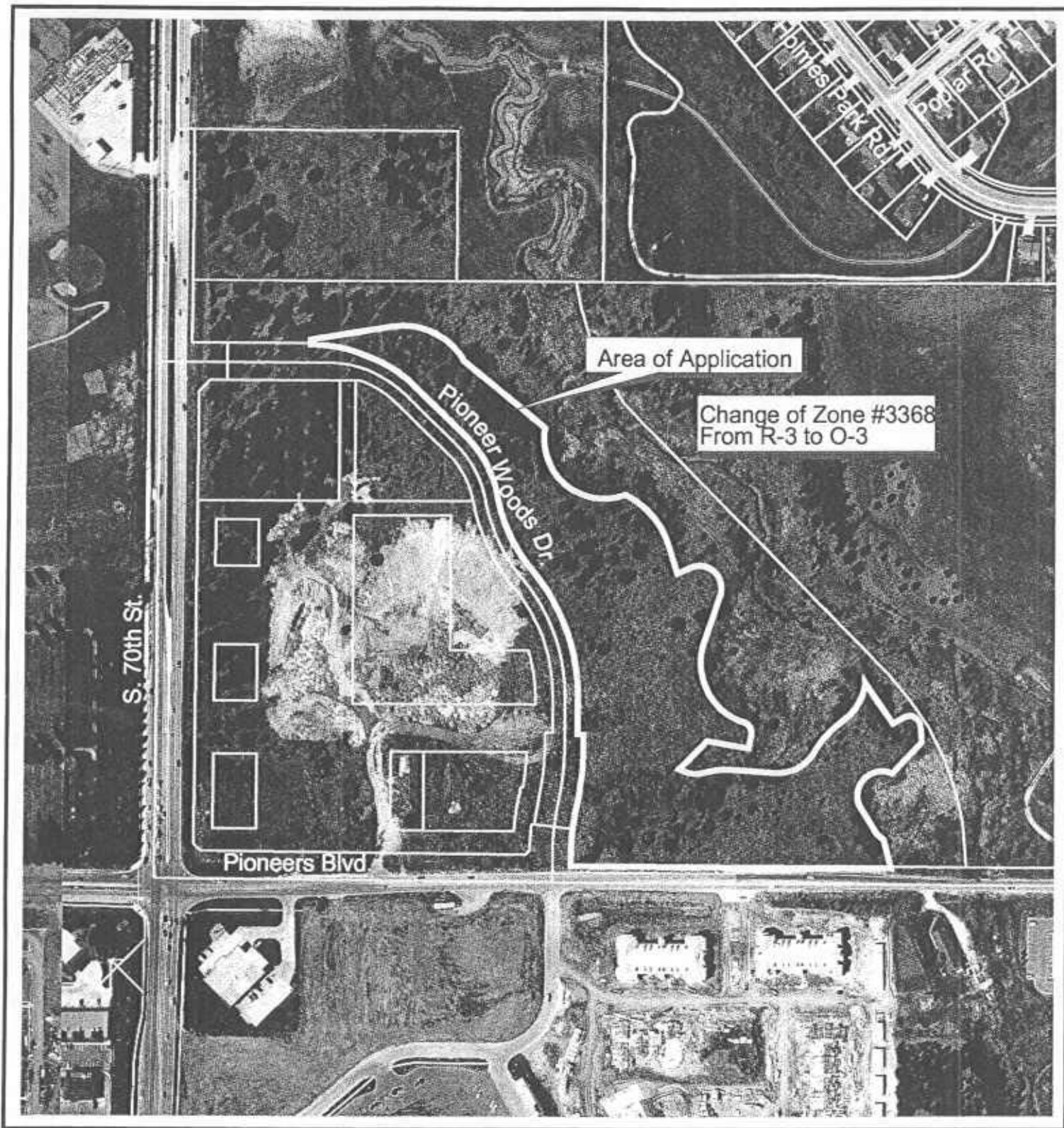
July 10, 2002

Steward moved approval, seconded by Bills-Strand.

Carlson wondered about tabling action on the change of zone until a decision is made on the use permit. Rick Peo suggested that the Commission could deal with the use permit first, with a condition on the use permit requiring approval of the change of zone. Carlson believes there is enough issue on the use permit that he does not want to change the zoning until he knows the outcome of the vote on the use permit.

Bills-Strand thinks it is proper zoning for the area.

Motion for approval carried 6-1: Taylor, Bills-Strand, Larson, Newman, Steward and Schwinn voting 'yes'; Carlson voting 'no'; Krieser and Duvall absent.



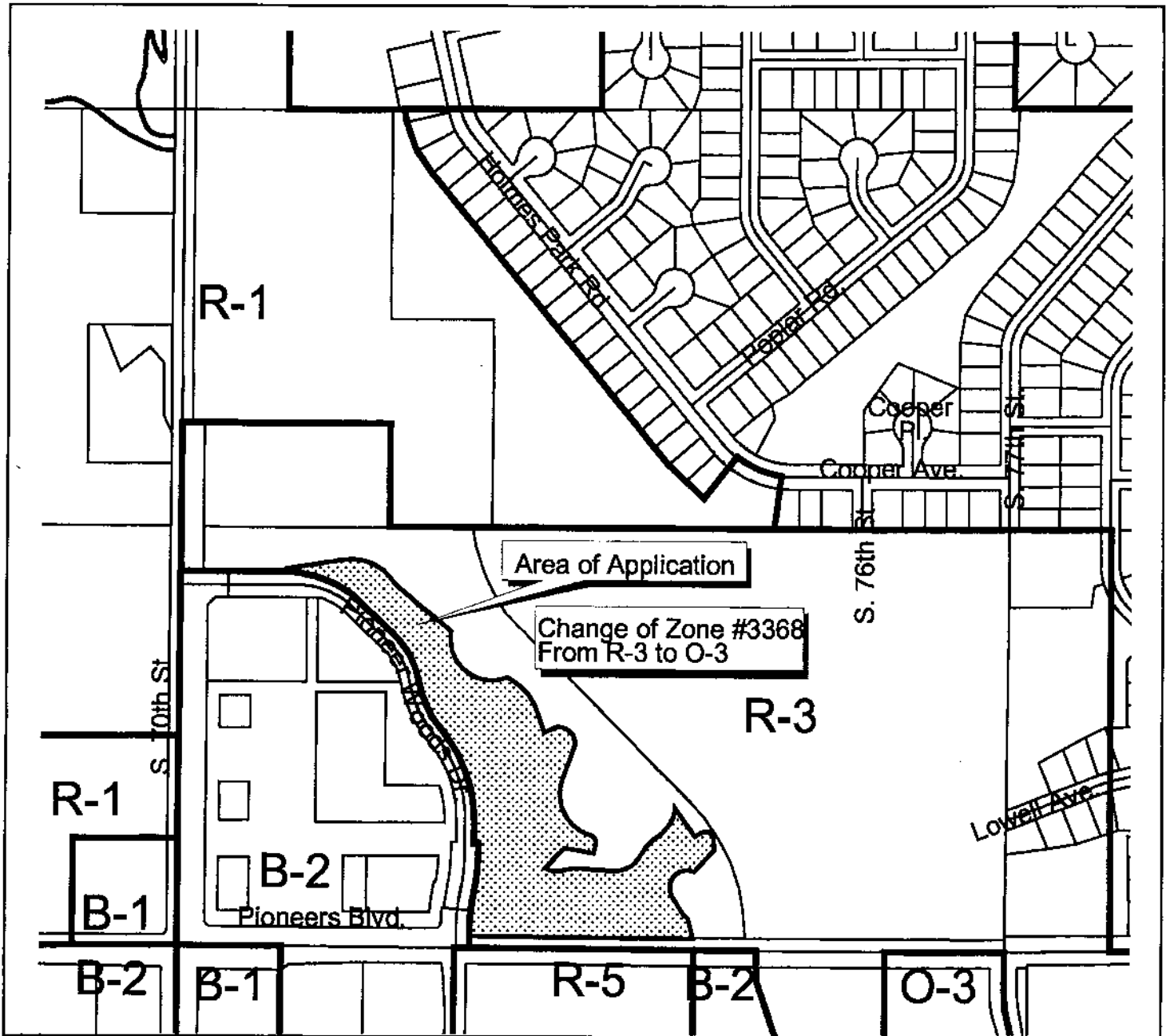
**Change of Zone #3368
Use Permit #144
S. 70th & Pioneers Blvd.**



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Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

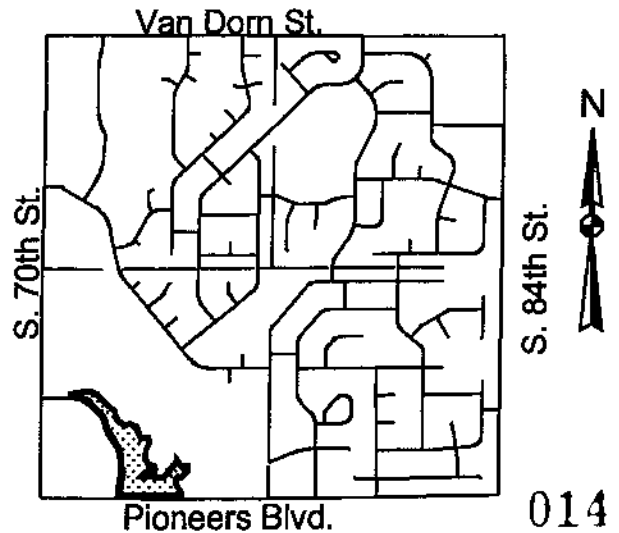
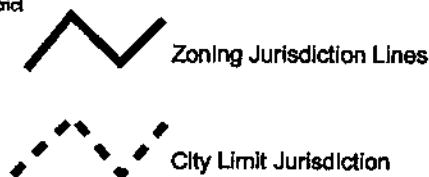


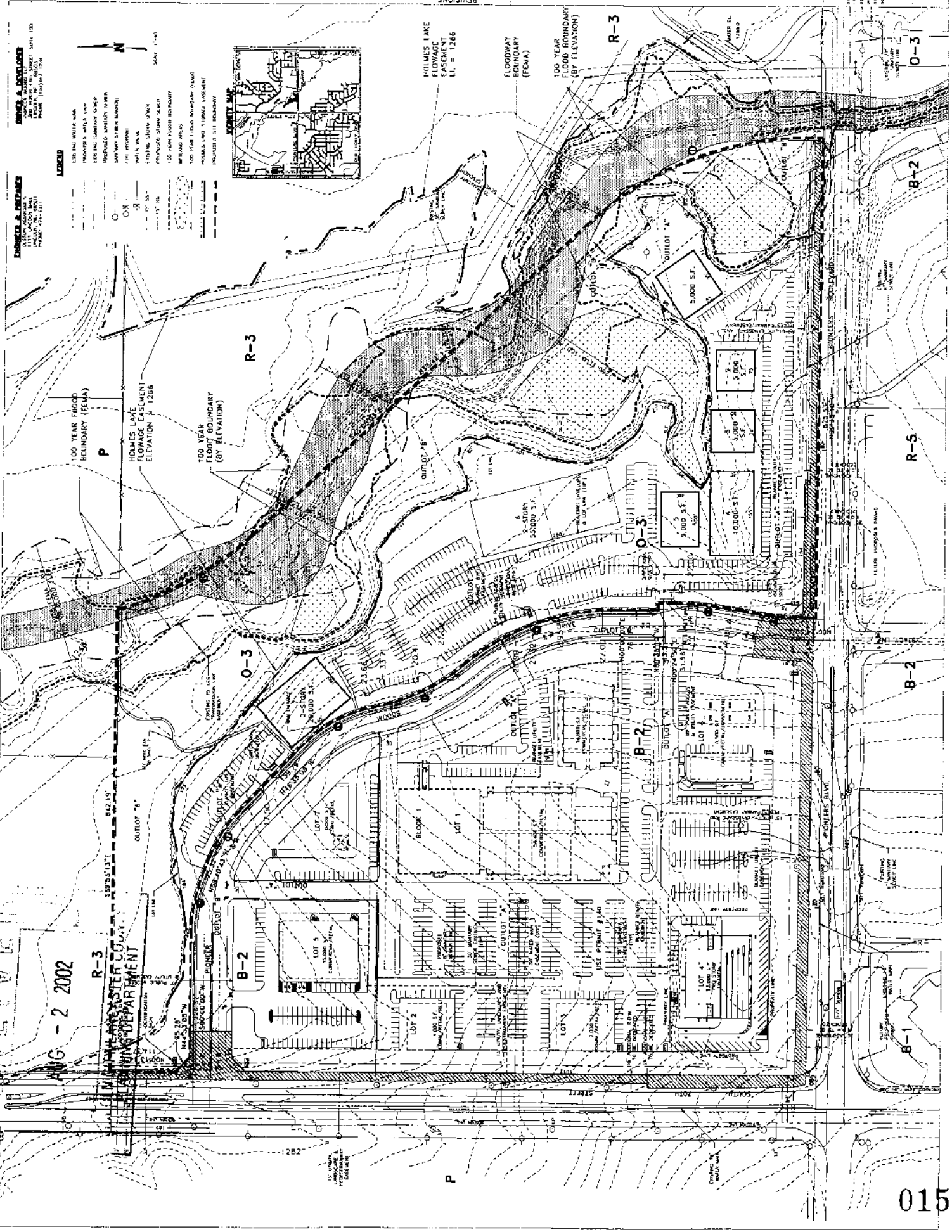
Change of Zone #3368
Use Permit #144
S. 70th & Pioneers Blvd.

Zoning:

| | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

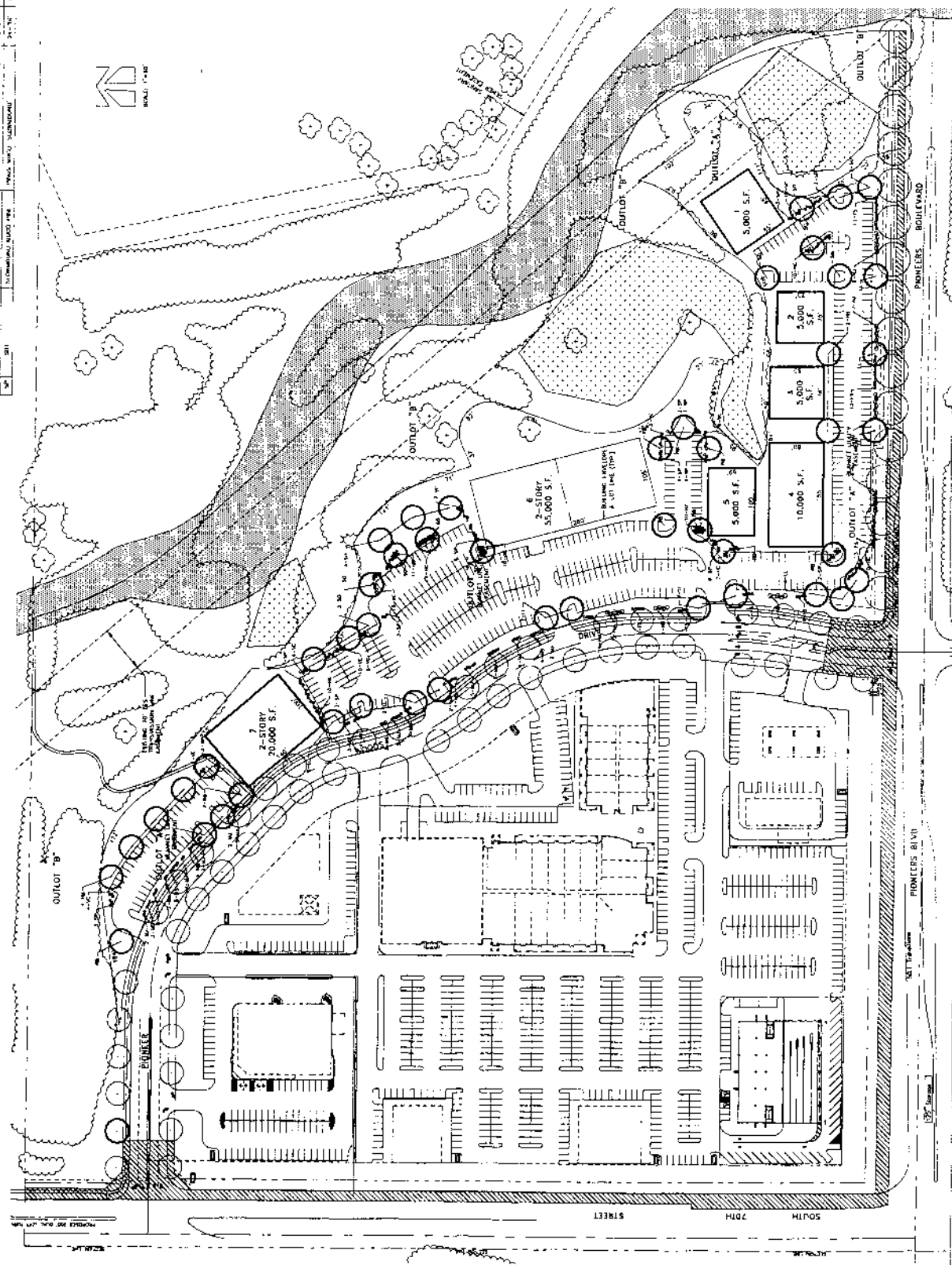
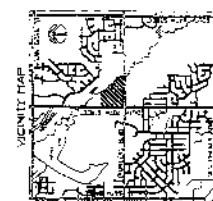
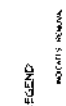
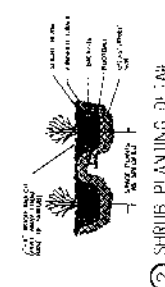
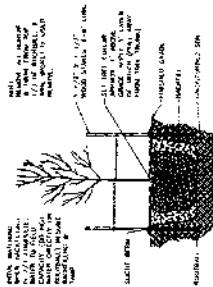
One Square Mile
Sec. 3 T9 N R7E





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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | | | | | | | | | | | | | | | | | | | | |



1. FOR MARKET DATA SPECIFICATIONS (JAN 2001-1999)
2. CITY OF CHICAGO BUREAU STREET MAP PLACING LOCATIONS OF CHICAGO POLICE STATION
3. CHICAGO POLICE STATION MAP (JAN 2001-1999) BUREAU OF RECORDS AND COMMUNITY RELATIONS
4. FIELD MAPS TO BE CONSULTED AND USED TO LOCATE POLICE STATION
5. EXISTING TRACES (CONCRETE, CEMENT, CLAY AND BRICK)
6. RADIOGRAPHIC SECTION, SECTION WITH BRICKS COMPARISON WITH THE EXISTING TRACES

UP 144 Pedestrian Exhibit

Distance from
Point A to Point B

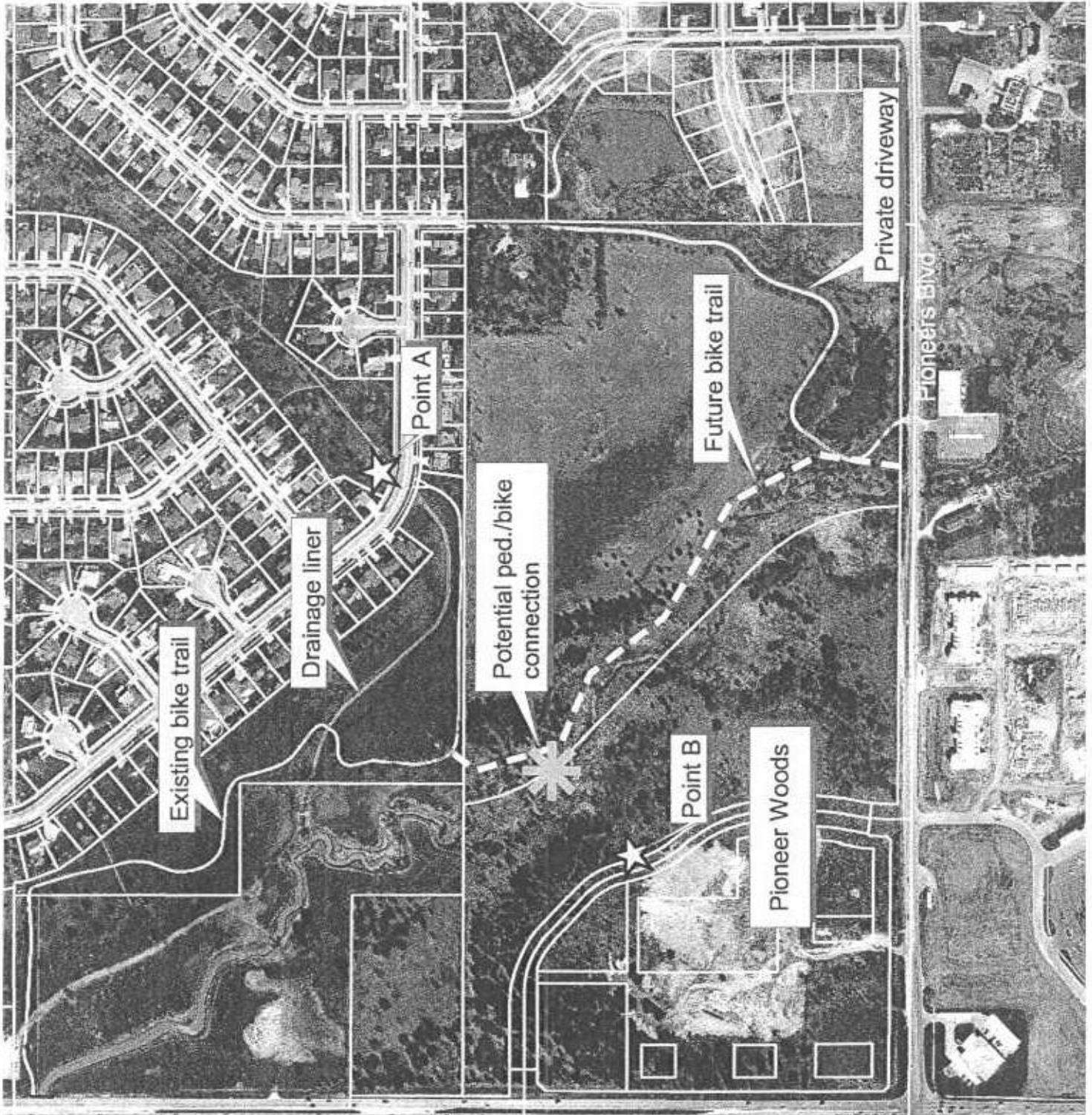
With connection - 1,700 ft

Without connection - 5,900 ft.

If this development does not provide a pedestrian connection over Antelope Creek, the pedestrian network serving this shopping center is poor.



200 0 200 Feet



**LEGAL DESCRIPTION
CHANGE OF ZONE**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 54 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 54 I.T., SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF PIONEER WOODS DRIVE AND THE NORTH RIGHT-OF-WAY LINE OF PIONEER'S BOULEVARD, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 24 MINUTES 50 SECONDS EAST ALONG A WEST LINE OF SAID LOT 54 I.T., A DISTANCE OF 14.33 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 555.00 FEET, ARC LENGTH OF 113.49 FEET, DELTA ANGLE OF 11 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF NORTH 06 DEGREES 16 MINUTES 20 SECONDS EAST ALONG A WEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 113.30 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 645.00 FEET, ARC LENGTH OF 131.90 FEET, DELTA ANGLE OF 11 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF NORTH 06 DEGREES 16 MINUTES 20 SECONDS EAST ALONG A WEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 131.67 FEET TO A POINT OF TANGENCY, THENCE NORTH 00 DEGREES 24 MINUTES 50 SECONDS EAST ALONG A WEST LINE OF SAID LOT 54 I.T., A DISTANCE OF 31.98 FEET TO A WEST CORNER OF SAID LOT 54 I.T., THENCE NORTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 54 I.T., A DISTANCE OF 13.21 FEET TO A WEST CORNER OF SAID LOT 54 I.T., THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A WEST LINE OF SAID LOT 54 I.T., A DISTANCE OF 76.17 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 432.00 FEET, ARC LENGTH OF 307.08 FEET, DELTA ANGLE OF 40 DEGREES 43 MINUTES 40 SECONDS, A CHORD BEARING OF NORTH 20 DEGREES 21 MINUTES 50 SECONDS WEST ALONG A WEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 300.66 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 343.00 FEET, ARC LENGTH OF 179.45 FEET, DELTA ANGLE OF 29 DEGREES 58 MINUTES 33 SECONDS, A CHORD BEARING OF NORTH 25 DEGREES 44 MINUTES 24 SECONDS WEST ALONG A WEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 177.41 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 257.00 FEET, ARC LENGTH OF 160.73 FEET, DELTA ANGLE OF 35 DEGREES

50 MINUTES 01 SECONDS, A CHORD BEARING OF NORTH 28 DEGREES 40 MINUTES 08 SECONDS WEST ALONG A WEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 158.12 FEET TO A POINT OF TANGENCY, THENCE NORTH 46 DEGREES 35 MINUTES 08 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 54 I.T., A DISTANCE OF 159.79 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 282.00 FEET, ARC LENGTH OF 108.74 FEET, DELTA ANGLE OF 22 DEGREES 05 MINUTES 35 SECONDS, A CHORD BEARING OF NORTH 57 DEGREES 37 MINUTES 55 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 108.07 FEET TO A POINT OF TANGENCY, THENCE NORTH 68 DEGREES 40 MINUTES 43 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 54 I.T., A DISTANCE OF 25.32 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 315.50 FEET, ARC LENGTH OF 117.41 FEET, DELTA ANGLE OF 21 DEGREES 19 MINUTES 17 SECONDS, A CHORD BEARING OF NORTH 79 DEGREES 20 MINUTES 21 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 54 I.T., AND A CHORD LENGTH OF 116.73 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 3.95 FEET TO A POINT, THENCE NORTH 81 DEGREES 09 MINUTES 18 SECONDS EAST, A DISTANCE OF 183.52 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 154.60 FEET, ARC LENGTH OF 182.94 FEET, DELTA ANGLE OF 67 DEGREES 47 MINUTES 43 SECONDS, A CHORD BEARING OF SOUTH 64 DEGREES 56 MINUTES 50 SECONDS EAST, AND A CHORD LENGTH OF 172.45 FEET TO A POINT, THENCE SOUTH 50 DEGREES 53 MINUTES 25 SECONDS EAST, A DISTANCE OF 232.75 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 137.62 FEET, ARC LENGTH OF 285.14 FEET, DELTA ANGLE OF 118 DEGREES 42 MINUTES 40 SECONDS, A CHORD BEARING OF SOUTH 51 DEGREES 04 MINUTES 53 SECONDS EAST, AND A CHORD LENGTH OF 236.81 FEET TO A POINT, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 184.20 FEET, ARC LENGTH OF 145.13 FEET, DELTA ANGLE OF 45 DEGREES 08 MINUTES 38 SECONDS, A CHORD BEARING OF SOUTH 41 DEGREES 11 MINUTES 09 SECONDS EAST, AND A CHORD LENGTH OF 141.41 FEET TO A POINT OF TANGENCY, THENCE SOUTH 18 DEGREES 36 MINUTES 50 SECONDS EAST, A DISTANCE OF 70.92 FEET TO A POINT, THENCE NORTH 67 DEGREES 20 MINUTES 06 SECONDS EAST, A DISTANCE OF 36.72 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 45.13 FEET, ARC LENGTH OF 103.82 FEET, DELTA ANGLE OF 131 DEGREES 47 MINUTES 14 SECONDS, A CHORD BEARING OF SOUTH 46 DEGREES 46 MINUTES 17 SECONDS EAST, AND A CHORD LENGTH OF 82.40 FEET TO A POINT OF TANGENCY, THENCE SOUTH 19 DEGREES 07 MINUTES 21 SECONDS WEST, A DISTANCE OF 106.73 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE

DIRECTION, HAVING A RADIUS OF 141.83 FEET, ARC LENGTH OF 227.79 FEET, DELTA ANGLE OF 92 DEGREES 01 MINUTES 16 SECONDS, A CHORD BEARING OF SOUTH 26 DEGREES 53 MINUTES 18 SECONDS EAST, AND A CHORD LENGTH OF 204.08 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 20.00 FEET, ARC LENGTH OF 29.03 FEET, DELTA ANGLE OF 83 DEGREES 10 MINUTES 23 SECONDS, A CHORD BEARING OF SOUTH 31 DEGREES 18 MINUTES 44 SECONDS EAST, AND A CHORD LENGTH OF 26.55 FEET TO A POINT OF TANGENCY,

THENCE SOUTH 10 DEGREES 16 MINUTES 28 SECONDS WEST, A DISTANCE OF 26.71 FEET TO A POINT, THENCE NORTH 79 DEGREES 55 MINUTES 35 SECONDS WEST, A DISTANCE OF 92.83 FEET TO A POINT, THENCE SOUTH 44 DEGREES 05 MINUTES 06 SECONDS WEST, A DISTANCE OF 95.17 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 75.00 FEET, ARC LENGTH OF 65.76 FEET, DELTA ANGLE OF 50 DEGREES 14 MINUTES 13 SECONDS, A CHORD BEARING OF SOUTH 80 DEGREES 27 MINUTES 23 SECONDS EAST, AND A CHORD LENGTH OF 63.67 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 173.75 FEET, ARC LENGTH OF 59.20 FEET, DELTA ANGLE OF 19 DEGREES 31 MINUTES 12 SECONDS, A CHORD BEARING OF NORTH 84 DEGREES 11 MINUTES 06 SECONDS EAST, AND A CHORD LENGTH OF 58.91 FEET TO A POINT OF TANGENCY, THENCE SOUTH 86 DEGREES 03 MINUTES 17 SECONDS EAST, A DISTANCE OF 97.52 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 100.00 FEET, ARC LENGTH OF 111.81 FEET, DELTA ANGLE OF 64 DEGREES 03 MINUTES 39 SECONDS, A CHORD BEARING OF NORTH 61 DEGREES 54 MINUTES 53 SECONDS EAST, AND A CHORD LENGTH OF 106.07 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 200.00 FEET, ARC LENGTH OF 88.34 FEET, DELTA ANGLE OF 25 DEGREES 18 MINUTES 26 SECONDS, A CHORD BEARING OF NORTH 42 DEGREES 32 MINUTES 16 SECONDS EAST, AND A CHORD LENGTH OF 87.62 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION, HAVING A RADIUS OF 125.00 FEET, ARC LENGTH OF 95.15 FEET, DELTA ANGLE OF 43 DEGREES 36 MINUTES 53 SECONDS, A CHORD BEARING OF NORTH 33 DEGREES 23 MINUTES 03 SECONDS EAST, AND A CHORD LENGTH OF 92.87 FEET TO A POINT, THENCE SOUTH 34 DEGREES 57 MINUTES 43 SECONDS EAST, A DISTANCE OF 102.16 FEET TO A POINT, THENCE NORTH 62 DEGREES 17 MINUTES 16 SECONDS EAST, A DISTANCE OF 32.40 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 20.00 FEET, ARC LENGTH OF 39.30 FEET, DELTA ANGLE OF 112 DEGREES 35 MINUTES 33 SECONDS, A CHORD BEARING OF SOUTH 61 DEGREES 24 MINUTES 58 SECONDS EAST, AND A CHORD LENGTH OF 33.28 FEET TO A POINT OF TANGENCY,

THENCE SOUTH 05 DEGREES 07 MINUTES 11 SECONDS EAST, A DISTANCE OF 34.27 FEET TO A POINT, THENCE SOUTH 43 DEGREES 16 MINUTES 31 SECONDS WEST, A DISTANCE OF 91.09 FEET TO A POINT, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 58.48 FEET, ARC LENGTH OF 147.08 FEET, DELTA ANGLE OF 144 DEGREES 06 MINUTES 37 SECONDS, A CHORD BEARING OF SOUTH 39 DEGREES 33 MINUTES 00 SECONDS WEST, AND A CHORD LENGTH OF 111.26 FEET TO A POINT OF TANGENCY, THENCE SOUTH 32 DEGREES 30 MINUTES 19 SECONDS EAST, A DISTANCE OF 64.91 FEET TO A POINT, THENCE SOUTH 48 DEGREES 55 MINUTES 55 SECONDS EAST, A DISTANCE OF 19.82 FEET TO A POINT, THENCE SOUTH 14 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 57.67 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 54 I.T., THENCE NORTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 54 I.T., SAID LINE BEING 40.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 704.36 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 411,366.68 SQUARE FEET OR 9.44 ACRES, MORE OR LESS.

April 15, 2002 (1:56PM)
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